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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,204	11/04/2003	Miroslav Kostka	16569	5173

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EXAMINER

SALATA, ANTHONY J

ART UNIT PAPER NUMBER

2837

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/701,204

Applicant(s)

KOSTKA, MIROSLAV

Examiner

Jonathan Salata

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-7, 9-13, 15 and 16 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 8 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2-5-04, 11-22-04</u> . | 6) <input type="checkbox"/> Other: ____  |

Art Unit: 2837



UNITED STATES DEPARTMENT OF COMMERCE  
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Washington, D.C. 20231

Paper No:01062006  
Application No:10/701204  
Filing Date: November 4,2003

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It should be brief but technically accurate and descriptive, preferably from two to seven words. See 37 CFR 1.72(a).
  
2. The drawings are objected to because the blank rectangular boxes and/or merely numbered boxes of figures 1-3 must be labeled. Conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box). see 37 CFR 1.83(a). It is further pointed out that merely numbering the boxes is not considered an appropriate label. Structural elements which can be understood by conventional graphical drawing elements are not required to be labeled. Electronic elements enclosed in a "black box" require consulting the text of the specification and thus require labeling. If the box is too small to label, an appropriate label with an arrow pointing towards the box is acceptable. Correction is required.

Art Unit: 2837

3. Figure 2A should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroder (5086883) and Mori et al (6419051).

Schroder teaches in figures 1-4, a double deck elevator system with multiple cars 5,6 which stop at consecutive floors and main stopping floor (L1,L2) which are connected by an escalator 7.

Schroder does not illustrate the allocation of decks based on destination calls registered from L1,L2.

Mori et al teaches that it is advantageous to assign the best deck from a double deck elevator system in order to improve response and efficiency.

The decks of multiple double deck elevators 1-3 can be changed dynamically based on destination inputs from multiple floors and the deck assignments can further be changed after initial assignment. Assignment is done without respect to floors in the building.

Thus, to utilize the best deck/reassignment system of Mori et al to improve the efficiency of the system of Schroder would have been an obvious engineering design choice to one of ordinary skill in the art to improve efficiency and response time.

Art Unit: 2837

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schroder '883 and Mori et al as applied to claims 11, 12 above, and further in view of Siikonen (6401874).

Schroder and Mori et al do not illustrate the reassignment system based on fewest number of stops.

Siikonen teaches that for improved journey time, it is advantageous to take into consideration the number of stops for a double deck elevator system.

Thus, to utilize the number of stops in the assignment would have been an obvious engineering design choice to one of ordinary skill in the art to improve journey time.

7. Claims 1, 5, 7, 13, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroder '883 and Mori et al as applied to claims 11, 12 above, and further in view of Schroder (4836336).

Schroder '883 does not illustrate a dynamic display for the deck.

Schroder '336 illustrate both a dynamic display 9 and car display 16 to inform the passengers P1-P4 of the best car/deck after car allocation to better inform the passengers.

Thus, to utilize the car/deck display would have been an obvious engineering design choice to one of ordinary skill in the art to better inform the passengers.

8. Claims 4, 6, 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroder '883, '336 and Siikonen.

Schroder '883, '336 illustrate the double deck elevator system and associated display but do not illustrate the assignment based on the number of stops.

Siikonen teaches that for improved journey time, it is advantageous to take into consideration the number of stops for a double deck elevator system.

Thus, to utilize the number of stops in the assignment would have been an obvious engineering design choice to one of ordinary skill in the art to improve journey time.

9. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2837

The cited art of record does not teach or reasonable suggest the use of the display of both the car deck and the associated stopping floor. Schroder '336 display at the floor rather than the associated floor.

10. Claims 2,3,8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The cited art of record does not teach or reasonably suggested the assignment based on the different spacing, divisibility or distance between destination floors.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ikeda et al., Hattori et al and Hikita are cited to illustrate similar double deck assignment systems.

A shortened statutory period for response to this action is set to expire 3 months from the date of this letter.

Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Any inquiry of a **general nature** should be directed to the **Group receptionist** whose telephone number is **(571) 272-2800**.

**Information regarding the STATUS of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PARI. Status information for unpublished applications is available through Private PAIR ONLY. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Any questions on access to PAIR, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).**

Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). The Fax Center number is (571) 273-8300.

For assistance in **Patent procedure, fees or general Patent questions** calls should be directed to the **Inventors Assistance Center (IAC)** whose telephone number is **800-PTO-9199 or 800-786-9199**. Assistance is also available on the Internet at [www.uspto.gov](http://www.uspto.gov).

**For requesting copies of Cited Art, Office Actions or the like, response to Status Letters, lost papers or files or General Problem solving, calls should be directed to the TC 2800 Customer Service Office whose telephone number is 571-272-2800 or by fax at 571-273-8300.**

Art Unit: 2837

Any inquiry concerning **this communication or earlier communications from the examiner** should be directed to **Jonathan Salata whose telephone number is (571) 272-2073**.

The examiner does not have as detailed access as the previously listed numbers with regard to status or general problem solving. The examiner can normally be reached on Monday through Thursday from 7:30 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin, can be reached on (571) 272-2107.

ajs

January 6, 2006

  
**JONATHAN SALATA**  
**PRIMARY EXAMINER**  
**ART UNIT 2837**